

Order

**Michigan Supreme Court
Lansing, Michigan**

November 2, 2011

Robert P. Young, Jr.,
Chief Justice

143563

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

IN RE EXECUTIVE MESSAGE OF THE
GOVERNOR

(BROWN et al. v RICHARD D. SNYDER,
GOVERNOR, and ANDREW DILLON,
TREASURER)

SC: 143563

The Executive Message of the Governor pursuant to MCR 7.305(A) was received on August 12, 2011, requesting that this Court direct the Ingham Circuit Court to certify certain questions for immediate determination by this Court. In lieu of acting on the Governor's request at this time, we DIRECT the plaintiffs and the defendants to file with this Court by December 14, 2011, briefs, including a statement of facts, in support of their positions on the questions posed by the Executive Message of the Governor. The parties shall address:

- (1) whether the requirements of MCR 7.305(A) have been met;
- (2) whether the urgency of the request under MCR 7.305(A) is mitigated by MCR 7.302(B)(4)(b), which allows a party to request this Court to bypass review by the Court of Appeals after "a ruling that a provision of . . . a Michigan statute . . . is invalid";
- (3) whether 2011 PA 4 violates Const 1963, art 3, § 2 (separation of powers), or art 4, § 1 (legislative power), in its authorization of an emergency manager;
- (4) whether 2011 PA 4 violates Const 1963, art 4, § 29 (local or special acts) by permitting an emergency manager to exercise powers of a local governmental unit;
- (5) whether 2011 PA 4 violates Const 1963, art 7, § 22 (charters, resolutions, ordinances, enumeration of powers) by allowing an emergency manager to exercise powers of a local governmental unit;

(6) whether 2011 PA 4 violates due process rights set forth in Const 1963, art 1, § 17, or violates any right that is retained in Const 1963, art 1, § 23, by allowing an emergency manager to assume the power and authority of a local governmental unit;

(7) whether 2011 PA 4 violates Const 1963, art 7, §§ 21, 22, and 34 (provisions for local government) by allowing an emergency manager to assume the power and authority of a local governmental unit;

(8) whether 2011 PA 4 violates Const 1963, art 9, § 29 (Headlee Amendment) by requiring the local government for which the emergency manager is appointed to pay for certain costs associated with the emergency manager.

The Executive Message remains under consideration.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 2, 2011

Corbin R. Davis

Clerk